

**COUNCIL WORK MINUTES**  
**JULY 16, 2014**

The City Council held a meeting on Wednesday, July 16, 2014, at 5:55 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

**MEMBERS PRESENT:** Mayor Maile Wilson; Councilmembers: Ron Adams; John Black; Paul Cozzens; Don Marchant.

**EXCUSED:** Councilmember Fred Rowley.

**STAFF PRESENT:** City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; Finance Director Jason Norris; City Recorder Renon Savage; Police Sergeant Jerry Womack; Fire Chief Paul Irons; Leisure Services Director Dan Rodgers; Public Works Director Ryan Marshall; Economic Development Director Brennan Wood; Events Coordinator Byron Linford; Project Engineer Trevor McDonald.

**OTHERS:** Tom Jett, Bob Platt, Dan Roberts, Steve Baden, Coddie Baden, Tyler Braun, Cassi Orton, Keith Nicholes, Blake DeMille, Austin Jones, Alan Jones, Marilyn Kidwell, Douglas Hall, Holly Coombs.

**CALL TO ORDER:** Mayor Wilson called the meeting to order at 5:55 p.m.

**CONSIDER ANNEXING APPROXIMATELY 18.41 ACRES OF PROPERTY IN THE VICINITY OF 2800 NORTH AND 400 WEST – STRATTON/ PLATT & PLATT ENGINEERING:** Bob Platt – this has been to Planning Commission and they gave a negative recommendation. By Old Farm Subdivision. The property is owned by Vernal Stratton Family (John Corry's wife Manon) and they want to annex. Property to the east and west are adjacent to city boundaries, a portion of the north is not in the city and a portion on the south is not city and so Planning Commission feels it is creating an island. It is in the annexation declaration.

Paul – there are 4 requirements in statute to annex, they meet 3 of the 4 which is you can't create an island. The property to the south is in the county. Marchant – the minutes say you don't know why the legislature put that in. Paul – probably for reasons like infrastructure, and issues of whether the City Police or County Sheriff handles matters. Marchant – part is in the flight pattern and would be limited on what could be done on 1/3 of the property, so a portion would have to be industrial. The rest could be used for residential. Is there concern on part of the neighbors about the annexation? Paul – at this point it is just do you want to continue or not. After this the Stratton's would have to send a lot of letters and that is when you could possibly get protests. The issues come up later in the process. Bob Platt – we have not notified the neighbors. Cozzens – if it is connected to the City how is it an island? Paul – it is property next to the Stratton property that would be the island. Bob Platt – I think they want to make the property more marketable if they sold it. I believe that the adjoining property is a long way from

being annexed, Rod Forsyth and Jim Blackner don't want to annex and so they hold this property hostage. Kit – there is water and sewer to the property.

Dan Roberts – I thought we were creating the island with the property we are annexing. It is all master planned to come into the City. If it is ever going to come in it will be one piece at a time. The solution is to eventually all will be in the city. We are holding those in the corridor hostage. The proposal for the land is they would like to make it all I&M because it is across the road from the school maintenance building. Black – all the property I&M? Dan – yes. Marchant – there are a number of parcels in the flight plan that show residential and that will have to be changed at some point. Dan – if it is the plan to eventually be part of the boundaries I think it should be taken as it comes. I think it would be wise rather than have the County take it on. Marchant – the benefit to the Stratton family would be greater potential to sell. Rick – my question is have any of the adjoining property owners, north or south been asked to annex? Dan – no, Rod Forsyth, Jim Blackner and Phil Hirschi are in the County and they may not want to annex. Cozzens – it is against the law to do this? Paul – State statute says you cannot do it if it creates an island. Cozzens – for the proposed piece of land or adjoining property? Paul – you cannot create an island in the city, it has to be contiguous. It is contiguous and they are in the annexation declaration, but it does create an island. Dan – is that State law? Paul – yes. Marchant – how do we handle that? Paul – you either follow state statute or not, but it has mandatory wording, it says you cannot create an island. Marchant – we are either good guys or bad guys. Bob Platt – the piece below is several property owners. Paul – you can force if the majority of the land value and acreage the rest can be forced. Rick – years ago this same property was talked about the peninsula being brought into the City and the property owners that have homes were pretty vocal and that is why it is. Cozzens – what is the advantage in the City? Bob Platt – I am sure they have their reasons it may be water. Paul – if they annex they have to give us water rights and their taxes go up. Cozzens – do the other property owners know they would not have to give up water would they annex? Bob – I don't know. Black – would they be required to hook on to the services? Kit – no, it is triggered with a building permit. Bob – we know it was a negative recommendation, but they wanted us to bring it forward. I respect State law. Action.

**REVIEW BIDS FOR CROSS HOLLOW ROAD GENPAK IMPROVEMENT PROJECT – TREVOR MCDONALD:**

Trevor – The bids were received on Thursday. We received 5 bids for this project which includes widening the pavement on Cross Hollow Road and installing curb, gutter, sidewalk and a water line for future use along GenPak property. Cozzens – is there curb and gutter adjacent? Kit – no there is further to the north and to the south, but not adjacent. Trevor – this is a portion to complete Cross Hollow Road. GenPak had an agreement with the City with tax incentives and they have reached the improvements to get to this point. The budget is \$200,000; the low bidder is Ashdown Brothers in the amount of \$162,004.55, the bid award would be contingent on the bonds, insurance and immigration status verification and it would authorize the Mayor to sign. Black – Kit are you comfortable with the numbers? Kit – yes. Trevor – our estimate was close to \$200,000, we were excited to have it come in lower. Brennan – this was based on a 3 year tax increment incentive, we collected that

tax increment. If there are funds left over they will be distributed by the County to the fur taxing entities. Black – what formula is the balance? Brennan – the \$220,000 is what we have collected, if there is a balance it is distributed back. Jason – it follows the certified tax rate. Consent.

**CONSIDER FINAL CONTRACT WITH TOUR OF UTAH – BYRON LINFORD:**

Byron – I want to thank staff with their help with Fire Road, we had more staff support than ever, the trail was finished before the event, and every department was involved. We are in our 2<sup>nd</sup> year with Tour of Utah, a little different being stage 1 start and finish City. Paul has reviewed the contract, he sent it back with clarifications and I went over them with Miller Group and Medalist and feel comfortable. We have done our due diligence. The copy you have says May 5, 2014, that date will be changed to the date the Mayor signs. Marchant - how are things going? Brennan – really well, we feel good with sponsorships and media coverage. We are also doing a women's race. The men will roll out northwest to gap, Parowan, Brian Head, Mammoth Creek, Duck Creek and back to town. While they are out there will be a 30 lap women's race. We will have triple the media coverage, 180 to 210 million last year, we thing ¼ billion this year. Marchant – have you contacted people affected? Byron – yes, we have contacted businesses and residents. Black – how are you financially? Byron – we are in good shape, the tour is good to work to cut costs and be efficient as possible. We have been able to save money. They have cut housing and meal costs, they are efficient. Cozzens – I hope you express our gratitude to the Miller Group. Last week they have \$5,000 to the Happy Factory, they are admirable. Byron – they also contributed to the Summer Games, and they are a sponsor for the half marathon. Marchant – is there a way to determine how many room nights will be involved? Byron – Brennan and I reviewed sales tax numbers. The Nordic and TRT we had a huge spike during that month. We have 100% occupancy for 5 nights; we are using dorms at SUU as well. We provide the rooms in the dorms and in motels for 1 night and Miller's pay the other nights. We are obligated to 25% of the room nights and they are funded through sponsorships, a lot of those are from outside the area. We will try and push them to come back next year. Black – kudos to you and those working with you to get this together. Byron – we take resources from every department to make this work, Police Department, Public Works, Parks, and Administration; it takes everyone to make it work. We have great volunteers. Adams – does any of the other cities have other races going on? Byron – Millers are putting one on day 3, but that is the only one. We own the women's pro race, we can do it every year. Consent.

**CONSIDER APPROVAL OF AN AGREEMENT WITH SWATC TO TEACH INTRO TO LAW ENFORCEMENT IN THE HIGH SCHOOLS – CHIEF**

**ALLINSON:** Jerry Womack – Chief had another commitment. We want to renew our contract with SWATC to teach Intro to Law Enforcement in our two high schools. We have done this in the past and it has worked out well. The School Resources Officers teach this class and it is a positive interaction with the students. The SWATC reimburses us \$8,000 for the cost of teaching the class. The Sheriff's Office has hired kids that have gone through this class. We want authorization to have the Mayor sign the contract.

Marchant – any time you can work with the youth in a program like this it is a positive. Consent.

**CONSIDER LEASING CITY PROPERTY FOR GRAVEL MINING AT APPROXIMATELY 1950 NORTH BULLDOG ROAD – KIT WAREHAM:**

Kit – last month we brought this proposed lease to you to see you wanted to lease the property for mining gravel. We sent out request for proposals and had several interested, but only received two proposals, one from Western Rock and Coal Creek Grave (Rocky Ridge Landscaping and Precision Pipeline). We had 4 staff members review, it was very close, out of 300 points there was 1 point difference, but were very different in types of proposals. The RFP had several requirements; the highest was the price they would pay. Coal Creek .80 cubic yard, Western Rock was \$.50, but Western Rock will pay \$15,000 annually for the royalties, there was not an offer from Coal Creek. There were several other items to evaluate, Western Rock offered the City to be allowed to use their abandoned pit adjacent to this pit for flood control and ground water recharge, Coal Creek could not offer that. We also evaluated on reclamation plan and Coal Creek had a detailed plan, Western Rock was minimal. There was a deficiency on the insurance, Western Rock gave us \$2 million, Coal Creek had \$3 million. Cozzens – why \$3 million, \$2 million is standard. Kit – we feel liability is higher with mining. Cozzens – could we be sued? Paul – that is the reason for the insurance. Black – was sewer and water addressed? Kit – a little bit, Western Rock addressed how to protect it, Coal Creek acknowledged it. Western Rock also included loading our trucks when we use material on city projects. Based on the one point it was our recommendation to go with Western Rock.

Black – Western Rock will pay \$15,000 a year regardless of what they mine? Kit – if they don't mine the 30,000 they want credit. They guarantee minimum revenue. They will pay \$15,000 minimum each year, but at the end they want 500,000 in material coming out of the pit, it is \$250,000 at the end of the lease that they pay.

Blake DeMille – our primary purpose is to utilize for the home builders market, not aggregate or concrete sand or asphalt, the purpose would be for house pads. I was the last one to mine out of this property; I know where the sewer line is. Black – do you have a plan for the safety zone? Blake – we thought the City would want to utilize the front of the property for future use. Having this mined out would fit in good with the rest of the pits there. You will have to address the water and sewer line, either moved or jockeyed around, that is the reason for the peninsula. The only building on that sewer is the UDOT paint facility. Cozzens – how much to move the lines? Kit – on the sewer line we meet with UDOT and their paint shop is the only one on the line, they can put it septic. The water does not need gravity flow; it is easier than the sewer line. It would be part of the agreement on how it is paid to move the line. Marchant – in the future we will have to move that anyway if we use the property. Blake – unless you square it down. Kit – 1300 feet to move it, it would be around \$26,000 - \$30,000. Cozzens – based on the income it is not a big deal.

Keith Nichols – there is a section in our proposal to partnership in moving the water line if it is needed. Blake – our proposal is the same, we will have to work in conjunction to move that. Cozzens – Blake what is your relationship with Western Rock? We are friends. Kit – he is on of the Coal Creek partners. One concern we had, if someone takes the lease and doesn't mine a significant amount of material is it worth it. Western's proposal is to mine a significant amount. There would also be an escalation amount for the rate; we would probably increase around 2%. Action.

**CONSIDER BOARD APPOINTMENTS – MAYOR WILSON:** Mayor – See the proposed appointments on Exhibit “A”. We have had a number of terms come up. A member of the BOA also serves on the Planning Commission; I spoke with Fred about this. Clair does not want to be reappointed so I will bring another name. I have been highlighting a board or committee in the newsletter each month; some of the appointments have reached out to us to be involved on boards/committees.

Paul – the Planning Commission talked about Jill Peterson serve on BOA, she has been on Planning Commission for a few years. Mayor – is it ok to put her at the third individual for BOA. Consent.

**REVIEW SIGN ORDINANCE – RICK HOLMAN:** Rick – we can go through article by article, or specific items we can do that as well. Tourism sent a letter to Marchant to address some items. I would open it up to your initial thoughts. I know enforcement or lack thereof has been a concern. Offsite advertising, signs for going out of business. Off premise signs need to be talked about, such as at our recreation facilities, that needs to be addressed as a use we are comfortable with or not. Paul – such as the golf course benches, CHS, CV scoreboards, the ball fields, this is not addressed. Cozzens – if it is a sponsorship it is ok? The obvious is the “A” frame signs off site, such as on 200 North for a business 2 blocks away. Marchant – we are cavalier on what we allow. We need to take care of some of what Maria tells us when people come to town. It becomes a clutter. We need to be careful on how we define things. We need to enforce the ordinance; we don't want to second guess. Cozzens – why does Larry enforce, why not Code Enforcement. Rick – if they install a sign the building department needs to permit. Black – the “A” frame signs, yard signs should go elsewhere. Rick – permitted signs to the Building Department and the enforcement to Code Enforcement. Womack – not just the “A” frame, it is all the signs on light poles, it is an enforcement nightmare, you have one person educated and the next day more are up. We have our VIPS tear down signs on Wednesdays and they are all back up. Marchant – these signs just crop up, the people need to be responsible, and if we have an address we should send them a bill. Black – what is state law on their poles? Paul – you cannot put signs in the UDOT right-of-way. If the right of way is through the City they punt the enforcement to the City. Cozzens – I don't have a problem with those that remove the yard sale signs. Jerry Womack – you can't have it both ways. How do you prove who hung the sign. Black – if it has an address or phone number it is immaterial on who posted it. Paul – we have the same problem with parking tickets, Judges have said they will not enforce that because you can't prove who parked the car. Marchant – all churches should ask their congregation if they took their yard sale sign down. Black – is there a better way to approach what we

are doing? Paul – give us some broad suggestions, I hear enforcement, and off site advertisement. Black – Mayor – maybe you assign a few of us to meet with Rick and come up with suggestions and bring it back to the Council and Planning Commission. Rick – we could also get Maria and others involved. Cozzens – the signs from St. George for a sale all over town should be taken down as they are put up. Black – the “A” frame signs need to be addressed. Marchant – we had strict sign ordinances when I came on, we had requirements and it is slipping a bit, we have to let people know if we have a law abide by it. Enforcement is as important as anything.

Tom Jett – this is a battle impossible to win. The buses advertise for businesses. You have certain business that park on Main Street or 200 North and there is nothing illegal, we have off premise advertising, we are going to have a select few, it is not a battle the City can win. I am a proponent on off premise signs and it is happening all over the country. I agree there should be a reasonable sign ordinance. Marchant – signage is important for businesses. We will have to address digital signs. We are affecting livelihood of businesses. Black – is there such a thing as advertising zones? Rick – we can look, not that I am aware of. I only know like shopping centers where there are multiple businesses. People with smart phones have immediate access to find businesses, so some of the signage is more archaic.

Don would like to set on a committee. Possibly Fred from Planning Commission. Cozzens – there is probably not a larger contingency of people at the state legislature as the sign people.

**ADJOURN:** Councilmember Marchant moved to adjourn at 7:25 p.m.; second by Councilmember Black; vote unanimous.

  
Renon Savage, CMC  
City Recorder

## Board Members the Need to be Replaced or Reappointed June 2014

Board	Individual to Replace or Reappoint	Reason for Replacement or Reappointment	Proposed Replacement
Board of Adjustments	Doug Christian	Resigned	John Ashby
	Jeff Cowan	Resigned	Janet McCray
	Kristie McMullin	Term limit is up	Needs to be a member of Planning Commission - Jill Peterson
CATS	Jake Huntsman	Term limit is up	Wants to be reappointed
	Joy Jankowiac	Moving	Annie Yahne (new Exec Director of Iron County Care and Share)
	?	Need 7 members	Jerry Russell
Cedar Disability Awareness/Action Team	?	due to ordinance chg	Emilee Ballard
	Paul White	Resigned	Mary Blankenship
	Linda Lohrengel	Resigned	Kristy DeGraff
Housing	Jocelyn Barnes	Term limit is up (7/1/14)	Wants to be reappointed
Library	Mona Woolsey	Term limit is up	Wants to be reappointed
	Janene Utterback	Term limit is up	wants to be reappointed
	Marion Morgan	Term limit is up	Wants to be reappointed - expecting to go to 6/30/2016
Planning Commission	Vance Smith	Term limit is up	Mary Pearson
RAP Arts	Myron Armstrong	Term limit is up	Wants to be reappointed
	Joanne Brattain	Term limit is up	Wants to be reappointed
	Clair Morris	Term limit is up	Name to be submitted for next week's meeting
RAP Park and Recreation	Sue Jones	Term limit is up	Wants to be reappointed
	Mauri Bleazard	Term limit is up	Wants to be reappointed
	Casey McClellan	Term limit is up	Wants to be reappointed
	Sherene Carter	Term limit is up	Wants to be reappointed
	Anita Bunker	Term limit is up	Sarah Lamb

